

REMARKS

Claims 1-14 and 16 are pending. Claims 15 and 17-22 have been cancelled without prejudice or disclaimer. Claims 1, 7, and 9 have been amended. No new matter has been added as a result of the amendments. Support for the amendments may be found in at least FIG. 4 and paragraphs 0031-0033 of the application.

Claims 1-3, 5-6, 9-11 And 13-14 Are Allowable Under 35 U.S.C. § 102(b)

The Office has rejected claims 1-3, 5-6, 9-11, and 13-15, at paragraph 2 of the Office Action, under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 6,195,543 ("*Granberg*"). Claim 15 has been cancelled without prejudice or disclaimer, rendering the rejection of claim 15 moot. Applicants respectfully traverse the rejections of claims 1-3, 9-11, and 13-14.

Granberg does not anticipate claim 1, because *Granberg* does not disclose each and every element of claim 1. For example, *Granberg* does not disclose "generating, at the wireless telephone, an audible tone signaling that a rate-change event has occurred", as recited in claim 1. In contrast to claim 1, *Granberg* discloses that a "mobile station receives the Advice of Charge (AoC) parameters from the serving switching node and determines a prospective cost associated with the call and displays that cost to the mobile subscriber". *Granberg*, Abstract. *Granberg* thus does not disclose every element of claim 1. Therefore, claim 1 is allowable.

Claims 2-3 and 5-6 depend from claim 1, which Applicants have shown to be allowable. Accordingly, claims 2-3 and 5-6 are also allowable. In addition, claims 2-3 and 5-6 disclose additional elements not found in the references. For example, none of the cited references, individually or in combination, disclose or suggest "wherein the second real-time, cost-per-unit-time billing rate differs from the first real-time, cost-per-unit-time billing rate", as recited in claim 3. Similarly, none of the cited references, individually or in combination, disclose or suggest "the first rate description and the first real-time, cost-per-unit-time billing rate are simultaneously displayed by the display of the wireless telephone", as recited in claim 6.

Similarly, *Granberg* does not anticipate claim 9, because *Granberg* does not disclose every element of claim 9. *Granberg* does not disclose “a generator for generating, at the wireless telephone, an audible tone to signal a billing rate-change event”, as recited in claim 9. Thus, *Granberg* does not disclose every element of claim 9. Therefore, claim 9 is allowable.

Claims 10-11 and 13-14 depend from claim 9, which Applicants have shown to be allowable. Accordingly, claims 10-11 and 13-14 are also allowable. In addition, claims 10-11 and 13-14 disclose additional elements not found in the references. For example, none of the cited references, individually or in combination, disclose or suggest to “display a first rate description associated with the first real-time, cost-per-unit-time billing rate on the display of the wireless telephone during the in-progress telephone call”, as recited in claim 13.

Claims 4, 7, And 8 Are Allowable Under 35 U.S.C. § 103(a)

The Office has rejected claims 4, 7, and 8 at paragraphs 4-7 of the Office Action under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,195,543 (“*Granberg*”) in view of U.S. Patent No. 7,068,997 (“*Benco*”), and further in view of U.S. Application No. 2005/0032505 (“*Himelhoch*”). Applicants respectfully traverse the rejections.

Claims 4, 7, and 8 depend from claim 1. None of the cited references, including *Granberg*, *Benco*, and *Himelhoch*, individually or in combination, disclose or suggest the specific combination of claim 1. For example, *Granberg*, *Benco*, or *Himelhoch*, individually or in combination, do not disclose or suggest “generating, at the wireless telephone, an audible tone signaling that a rate-change event has occurred”, as recited in claim 1. *Granberg* discloses that a “mobile station receives the Advice of Charge (AoC) parameters from the serving switching node and determines a prospective cost associated with the call and displays that cost to the mobile subscriber”. *Granberg*, Abstract. *Benco* discloses “displaying a roaming charge rate on a mobile station in a wireless network”. *Benco*, Abstract. *Himelhoch* discloses “inputting an initial start time for a repeating time cycle of a calling plan; inputting a time period for the repeating time cycle; providing a designated amount of time for a first category of time in the calling plan for the repeating time cycle; monitoring phone usage of the first category of time; and, displaying an indication of one of an amount of time used of the designated amount of time

for the first category of time and an amount of time remaining of the designated amount of time for the first category of time in a current repeating time cycle". However, none of the cited references, including *Granberg*, *Benco*, and *Himelhoch*, individually or in combination, disclose or suggest "generating, at the wireless telephone, an audible tone signaling that a rate-change event has occurred", as recited in claim 1. Accordingly, claim 1 is allowable.

Claims 4, 7, and 8 are also allowable, at least by virtue of their dependence from claim 1. In addition, claims 4, 7, and 8 disclose additional elements not found in the references. For example, none of the cited references, individually or in combination, disclose or suggest "sending data indicating the first real-time, cost-per-unit-time billing rate from the node to the wireless telephone during the in-progress telephone call", as recited in claim 7.

Further, when considered as a whole, *Granberg*, *Benco*, and *Himelhoch* cannot properly be combined. *Granberg* teaches away from *Benco*. *Granberg* discloses that the "mobile station receives the Advice of Charge (AoC) parameters from the serving switching node and determines a prospective cost and displays that cost". *Granberg*, Abstract. Thus, in *Granberg*, the mobile station determines the prospective cost. In contrast, *Benco* discloses that "determining a roaming charge will be incurred ... communicating a roaming charge rate associated with the roaming charge to the mobile station". *Benco*, Abstract. Thus, in *Benco*, the roaming charge is determined and then communicated to the mobile station. In addition, the resulting combination of *Granberg* and *Benco* is inoperable because the Office has not explained how the combination would operate. For example, in the resulting combination, the Office has not explained whether the mobile station determines a prospective cost as disclosed by *Granberg*, or whether a different entity determines the cost and communicates the cost to the mobile station as disclosed by *Benco*. Thus, the resulting combination of *Granberg* and *Benco* is inoperable, rendering the combination of *Granberg*, *Benco*, and *Himelhoch* inoperable. Applicants respectfully submit that the Office is using impermissible hindsight and selecting specific components of the references without considering the references as a whole. "It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art." *Bausch &*

Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc. 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). Thus, the asserted combination is improper. For at least this additional reason, claim 1 is allowable. Therefore, claims 4, 7, and 8, are allowable, at least by virtue of their dependence from claim 1.

Claims 12 And 16 Are Allowable Under 35 U.S.C. § 103(a)

The Office has rejected claims 12 and 16 at paragraphs 4-7 of the Office Action under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,195,543 ("*Granberg*") in view of U.S. Patent No. 7,068,997 ("*Benco*"), and further in view of U.S. Application No. 2005/0032505 ("*Himelhoch*"). Applicants respectfully traverse the rejections.

Claims 12 and 16 depend from claim 9. None of the cited references, including *Granberg*, *Benco*, and *Himelhoch*, individually or in combination, disclose or suggest the specific combination of claim 9. For example, *Granberg*, *Benco*, or *Himelhoch*, individually or in combination, do not disclose or suggest "a generator for generating, at the wireless telephone, an audible tone to signal a billing rate-change event", as recited in claim 9. Accordingly, claim 9 is allowable. Therefore, claims 12 and 16 are allowable, at least by virtue of their dependence from claim 9.

Further, when considered as a whole, *Granberg*, *Benco*, and *Himelhoch* cannot properly be combined. As previously stated, *Granberg* teaches away from *Benco*, because in *Granberg*, the mobile station determines the prospective cost, while in *Benco*, the roaming charge is determined and then communicated to the mobile station. In addition, as previously stated, the resulting combination of *Granberg* and *Benco* is inoperable because the Office has not explained how the combination would operate. Thus, the resulting combination of *Granberg* and *Benco* is inoperable, rendering the combination of *Granberg*, *Benco*, and *Himelhoch* inoperable. Applicants respectfully submit that the Office is using impermissible hindsight and selecting specific components of the references without considering the references as a whole. Thus, the asserted combination is improper. For at least this additional reason, claim 9 is allowable. Therefore, claims 12 and 16 are allowable, at least by virtue of their dependence from claim 9.

Attorney Docket No.: 1033-LB1039

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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